

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:13CR233
)	
vs.)	ORDER
)	
JASON ARMSTRONG and)	
TAMIKA PAYNE,)	
)	
Defendants.)	

This matter is before the court on the motion of defendant Tamika Payne (Payne) to sever her trial on the Indictment from the trial of the co-defendant Jason Armstrong (Armstrong) (Filing No. 24). Payne seeks severance on account of an incriminating confession by Armstrong implicating Payne. Payne urges a joint trial would violate her rights under the Confrontation Clause under ***Bruton v. United States***, 391 U.S. 123 (1968). While redaction and limiting instructions pursuant to ***Richardson v. Marsh***, 481 U.S. 200 (1987), and ***United States v. Edwards***, 159 F.3d 1117 (8th Cir. 1998), may be possible, the government concedes the motion (Filing No. 29). Accordingly, the motion to sever will be granted.

IT IS ORDERED:

Payne's motion to sever (Filing No. 24) is granted. The trial of the Indictment against Payne shall be separate from the trial of co-defendant Armstrong.

DATED this 9th day of October, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge